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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Reporters Sans Frontiers International - Reporters Without Borders International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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A most extreme form of censorship

During the Human Rights Council's 22nd session in 2012, the special rapporteur on extrajudicial, summary or arbitrary executions devoted his annual report to the protection of journalists' right to life. He wrote in this report that "*freedom of expression and the concomitant right to receive information are 'meta rights' – rights on which the realization of most of other rights depends.*" He also wrote that "*journalists deserve special concern (...) because the social role they play is so important" and he referred to killing a journalist as "the most extreme form of censorship.*"

Despite the special rapporteur's observations on the particular status of journalists – observations that were important and should be hailed – extrajudicial, summary or arbitrary executions of journalists have increased since April 2012 and, in general, the safety of journalists has worsened.

- **Journalists who are victims of war crimes**

Journalists are being killed at an increasing rate and in an ever more barbaric fashion. Targeted because of their work, journalists and all those who contribute to the free exercise of freedom of information are no longer just the collateral victims of fighting, they are becoming direct targets, when they are not used as a tools of terrorist propaganda.

The US journalist James Foley was beheaded by a masked individual in a carefully staged manner before a camera in Syria in August 2014 and the video was posted online. Two weeks later, another US journalist, Steven Sotloff, was also executed in the same barbaric manner. Japanese freelance journalist Kenji Goto suffered the same fate on 31 January 2015. In Iraq, *Sama Salah Aldeen TV* cameraman and photographer Raad Mohamed Al-Azaoui was publicly executed on 11 October 2015 in Samarra, a city controlled by Islamic State (IS).

The beheadings of journalists in 2014 showed the scale of the violence that some are prepared to use against unwanted witness. Rarely have journalists been killed with such attention to the barbaric propaganda impact.

These crimes, which are part of a macabre "media plan" by armed belligerents, target people who are protected as civilians under the Geneva Conventions, as UN Security Council Resolution 1738 of 2006 and UN General Assembly Resolutions 68/163 and 69/185 pointed out. As such, they constitute war crimes. On this basis, Reporters Without Borders has asked the UN secretary-general and the members of the Security Council to refer the situation in Syria and Iraq to the prosecutor of the International Criminal Court.

Victims of non-state actors

The beheadings of journalists by IS also shows the importance of taking account of non-state actors. Aside from their motives and differences, armed non-state groups have a shared visceral intolerance of any media coverage they regard as opposed to their goals. Some of them – such as IS in Syria, Iraq and Libya, and Boko Haram in Nigeria, Cameroon and Niger – constitute a problem that exceeds the dimension of a single state because of their goals of conquering many peoples and lands. Four journalists died in Libya in 2014 as a result of violence by a loose conglomeration of Islamist groups including Ansar al-Sharia. The youngest victim was 18. Al-Shabaab bombings were responsible for the deaths of at least three journalists in Somalia in 2014. Criminal paramilitary groups continue to sow terror with almost complete impunity in Colombia. In December 2014, the Aguilas Negras, one of Colombia's leading predators of press freedom, issued three lists of journalists to be kil

Victims in war zones

Of the 66 professional journalists killed in connection with their work in 2014, two thirds were killed in war zones, either deliberately targeted or the collateral victims of fighting. In Syria, a total of 176 journalists, media workers, citizen-journalists and netizens have been killed since the start of the uprising in 2011. Israel's Operation Protective Edge against the Gaza Strip cost the lives of 15 journalists and media workers. Many journalists were targeted by the Israel Defence Forces during the offensive. Many journalists have been killed in the fighting in eastern Ukraine. At least seven journalists – of Ukrainian, Russian and other nationalities – were killed in the clashes from May 2014 to May 2015.

- **Journalists are deliberately killed during demonstrations**

Many journalists – professional and non-professional, local and foreign – have been insulted, threatened, physically attacked or killed, some deliberately, during demonstrations. Both security forces and demonstrators have been responsible for the violence. In response to the scale of the problem, the UN Security Council adopted a resolution on 28 March 2014 expressing "*concern about the number of attacks targeting human rights defenders and journalists in the context of peaceful protests.*" In Venezuela, the Bolivarian National Guard fired on journalists during demonstrations in 2014 although they were clearly identified. In Egypt, three journalists were killed by security forces while covering a demonstration by Mohamed Morsi's supporters in Cairo's Rabaa Al-Adawiya Square in August 2013. A year later, no investigation had been conducted into the massacre or deaths of journalists and no one had been arrested for these crimes.

- **Journalists are killed in detention**

In Eritrea, Africa's biggest prison for journalists, at least seven journalists have died or taken their own lives in detention since 2001. Held incommunicado in appalling conditions, they never had access to a court. The journalist Dawit Isaac has been detained since 23 September 2001 without being officially charged or tried and without being allowed visits by his lawyers, his family or the Red Cross. The co-founder of the weekly *Setit*, once Eritrea's most widely read newspaper, he was included in the Reporters Without Borders list of "Information Heroes" in 2014. He was last seen alive in January 2010. In Burma, freelance journalist Aung Kyaw Naing was killed on 4 October 2014 while being held by the army. He disappeared on 30 September and it was not until 25 October that the army acknowledged that it had killed him three weeks before, and had already buried him.

Recommendations

To the UN Human Rights Council

- Urge member states and the various UN bodies, especially the Security Council, to use all available means to refer the situation in Syria and Iraq, in which war crimes have been committed against journalists, to the prosecutor of the International Criminal Court.
- Expand the mandate of the special rapporteur on extrajudicial, summary or arbitrary executions so that he can also take account of actions by non-state entities.

To the special rapporteur on extrajudicial, summary or arbitrary executions

- Take up the issue of the safety of journalists and impunity in collaboration with the special rapporteur on the promotion and protection of the right to freedom of opinion and expression, the working group on arbitrary detention, the working group on enforced and involuntary disappearances, the special rapporteur on the rights to freedom of peaceful assembly and of association, and the special rapporteur on the situation of human rights defenders.
- Continue systematically addressing the issue of journalists in annual reports and during visits to member states.
- Pay particular attention to abuses by armed non-state groups.

To member states

- Monitor and investigate the extrajudicial, summary and arbitrary executions and introduce legislation to bring an end to impunity for such crimes.
- Establish monitoring and investigative mechanisms for the targeting of journalists both in armed conflict situations and during peaceful demonstrations.
- Introduce human rights training for the armed forces and the police.
- Develop means to combat executions and abductions of journalists, or threats against them, by non-state actors.